

**BEFORE THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD**
Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:

**ROBERT MARQUEE,
In His Capacity as the Candidate for the
Marqusee for Supervisor,
RESPONDENT.**

)
)
) **Case No. 2007 IECDB 06**
)
) **ORDER to VACATE and NOTICE of**
) **HEARING**

PROCEDURAL HISTORY:

1. On August 2, 2007, a Statement of Charges and Notice of Hearing was sent to Robert Marqusee concerning his alleged failure to file a January 19, 2007 campaign report.
2. On September 4, 2007, the hearing was held a default decision was requested by the Board's Legal Counsel as Mr. Marqusee did not participate at the hearing.
3. On September 20, 2007, a Default Decision and Order was entered by the Presiding Officer. On September 28, 2007, a copy of the decision was sent to Mr. Marqusee.
4. On October 10, 2007, a Motion to Set Aside Default Judgment was filed by Joel Vos on behalf of Mr. Marqusee.
5. On April 21, 2008, the January 2007 report was filed and Mr. Marqusee filed a request for waiver of the \$100 civil penalty that was assessed pursuant to Board rule. The Presiding Officer notes that this \$100 penalty was part of the Default Decision and Order that was entered in September of 2007. The Presiding Officer also notes that other sanctions were imposed as part of that order.

DETERMINATIONS/FINDINGS:

1. The Presiding Officer will treat the October 10, 2007 filing as a "Motion to vacate" for purposes of Board rule 351—11.21(5). No response to the motion was filed by the Board's Legal Counsel.

2. The Presiding Officer will treat Mr. Marqusee's request for waiver filed in April of 2008 to be part of the October 2007 filing.

3. It appears that no factual dispute exists between the parties concerning the underlying allegation involving the January 2007 report. The issue now is whether Mr. Marqusee was justified in submitting the report after the due date and what sanctions, if any, should be imposed.

ORDER:

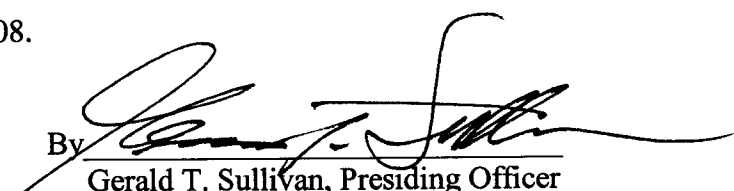
1. Pursuant to rule 351—11.21(8), the Presiding Officer vacates the Default Decision and Order that was entered in September of 2007.

2. A new hearing will be held on July 1, 2008, at 10:00 a.m. and shall be held telephonically.

3. At least four days before the scheduled hearing Mr. Marqusee shall provide the Board's Legal Counsel a telephone number where he will be available for the hearing.

Dated this 27 day of MAY, 2008.

By


Gerald T. Sullivan, Presiding Officer

cc: Joel D. Vos
Heidman, Redmond, Fredregill,
Patterson, Plaza, Dykstra & Prah
1128 Historic Fourth Street
Sioux City, Iowa 51101

Robert Marqusee
4455 Perry Way
Sioux City, Iowa ~~51101~~ 51104

W. Charles Smithson
Charlie.Smithson@iowa.gov